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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER MOUZON, LAJUANIA N	
			ART UNIT	PAPER NUMBER
			2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/24/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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ED

# Office Action Summary

Application No.

10/714,869

Applicant(s)

AKASHIKA ET AL.

Examiner

La Juania N. Mouzon

Art Unit

2109

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/2/2006.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 2/2/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Drawings***

3. The drawings are objected to because in figure 2 the communication unit is labeled #19 instead of #39. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after

the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: s111, 222, 342, 345, s341, s347, s349, s348, and state4. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

5. The disclosure is objected to because of the following informalities: for is spelled "Fir" (pg. 2 ¶3 line(s) 5).

Appropriate correction is required.

6. The disclosure is objected to because of the following informalities: there is not a label 94m (pg. 27 ¶1 line(s) 5). It should read, "message manager **94**, and an operate- ..."

Appropriate correction is required.

7. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (pg.29). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

### ***Claim Objections***

8. Claim 1 objected to because of the following informalities: missing ":". It should read: "A control system comprising ... the information terminal comprising: ... the information processing apparatus comprising:"

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled

in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "firewall" in claim 9 is used by the claim to mean "something that is attached to a communication link", while the accepted meaning is "A security system intended to protect and organization's network against external threats, such as hackers, coming from another network such as the Internet (**Microsoft Computer Dictionary 5<sup>th</sup> Ed.**)." The term is indefinite because the specification does not clearly redefine the term.

11. The Examiner will interpret claim 9 as when a firewall exist on the information terminal then us the HTTP as the communication protocol.

12. Claim 6 recites the limitation "same protocol" in the last line in claim 9. There is insufficient antecedent basis for this limitation in the claim.

13. The Examiner will interpret the "same protocol" in claim 6 as the HTTP protocol as stated in claims 9 and 10.

### ***Claim Rejections - 35 USC § 102***

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

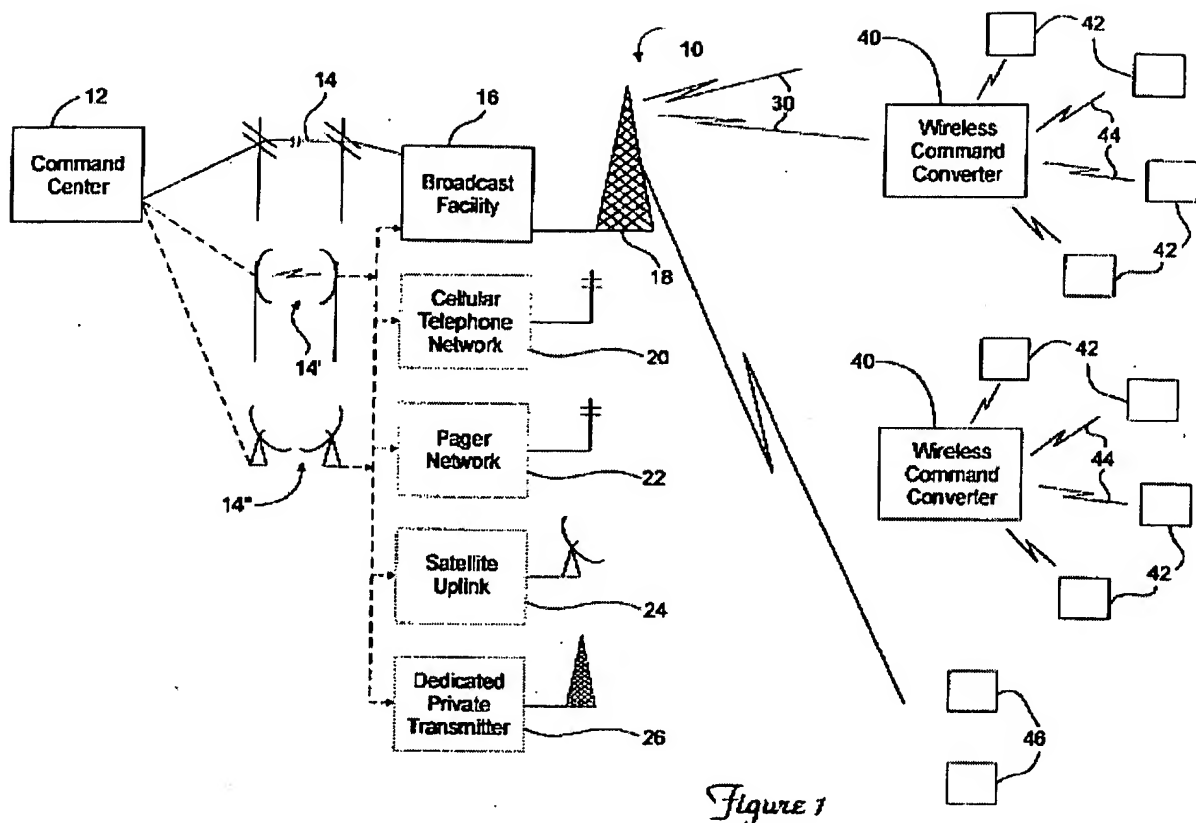
15. Claims 1-3, 8, 11-15, and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Badger et al. (US 5,886,647). Figure 1 of Badger et al. is reproduced below.

16. In regards to claim 1 Badger et al. teach, a control system (**Fig 1**) comprising an information processing apparatus (**Fig. 1 #12, reference as Command Center.**) and an information terminal (**Fig. 1 #16, reference as Broadcast Facility.**) connected with each other via a network (**Fig. 1 #14**)

- a. the information terminal comprising:
  - i. request means for, in a state in which a device is connected with the information terminal, requesting the information processing apparatus to establish communication via the network (**Fig. 1 and Col. 6 line(s) 16-19, teaches request means for sending a request to establish communications via the network from the device to the Command Center via the Broadcast Facility. While the device is in a connected state.);**
  - ii. receiving means for receiving a packet including a command for controlling the device, from the information processing apparatus via communication established in response to the request issued by the request means (**Col. 6 line(s) 19-25, teaches a receiving means via the Operator but it also teaches that any receiving means may be implemented.);**

- iii. and control means for controlling the device in accordance with the command included in the packet received by the receiving means (**Col. 6 line(s) 21-27, teaches control means by sending a command with the desire control of the device in the packet.**),
- b. the information processing apparatus comprising:
  - iv. establishment means for establishing communication performed via the network between the information processing apparatus and the information terminal, in response to the request issued by the information terminal (**Fig. 1 and Col. 4 line(s) 15-16, teaches establishment means in a form of receiving a request (signal), to establish communications, via the network from the Command Center.**);
  - v. and transmission means for transmitting the packet to the information terminal from the information processing apparatus after the communication with the information terminal is established by the establishment means (**Fig. 1 and Col. 6 line(s) 38-43, teaches various transmission means for transmitting to packet to the Broadcast Facility.**).





17. In regards to claim 2 Badger et al. teach, a control method for controlling a control system comprising an information processing apparatus and an information terminal connected with each other via a network, the method comprising an information processing method associated with the information terminal and an information processing method associated with the information processing apparatus,

c. the information processing method associated with the information terminal comprising the steps of:

vi. in a state in which the device is connected with the information terminal, requesting the information processing apparatus to establish

communication via the network (**Fig. 1, as shown on pg. 8, and Col. 6 line(s) 16-19, teaches sending a request to establish communications via the network from the device to the Command Center via the Broadcast Facility. While the device is in a connected state.);**

vii. receiving a packet including a command for controlling the device, from the information processing apparatus via communication established in response to the request issued in the request step (**Col. 4 line(s) 15-18, teaches receiving a command with the desire control of the device after the connection has been established, from the Command Center.);**

viii. and controlling the device in accordance with the command included in the packet received in the reception step (**Col. 7 line(s) 48-65, teaches controlling the device based off of the command received in the packet.);**

d. the information processing method associated with the information processing apparatus comprising the steps of:

ix. establishing communication performed via the network between the information processing apparatus and the information terminal, in response to the request issued by the information terminal (**Fig. 1, as shown on pg. 8, and Col. 6 line(s) 16-19, teaches sending a request to establish communications via the network from Broadcast Facility to the Command Center.);**

x. and transmitting the packet to the information terminal from the information processing apparatus after the communication with the information terminal is established in the establishment step **(Col. 4 line(s) 6-18, teaches transmitting a packet to the Broadcast Facility from the Command Center via the connection established.)**.

18. In regards to claim 3 Badger et al. teach, an information processing apparatus for controlling a device connected with an information terminal with a particular timing via the information terminal connected via a network with the information processing apparatus, the information processing apparatus comprising:

e. establishment means for establishing communication performed via the network between the information processing apparatus and the information terminal, in response to a request issued, in a state in which the device is connected with the information terminal, by the information terminal **(Fig. 1, as shown on pg. 8, and Col. 4 line(s) 15-16, teaches establishment means in a form of receiving a request (signal), to establish communications, via the network from the Command Center. In which the device is in a connected state.)**;

f. and transmission means for transmitting a first packet including a command for controlling the device to the information terminal from the information processing apparatus after the communication with the information terminal is established by the establishment means **(Fig. 1, as shown on pg. 8,**

**and Col. 6 line(s) 38-43, teaches various transmission means for transmitting to packet to the Broadcast Facility.).**

19. In regards to claim 8 Badger et al. teach, wherein the first packet transmitted by the transmission means includes identification information identifying the device to be controlled in accordance with the command **(Col. 6 line(s) 25-27, teaches that the packet transmitted includes identification information identifying the device to be controlled.).**

20. In regards to claim 11 Badger et al. teach, command means for commanding the information terminal to start transmitting predetermined information in the communication established by the establishment means **(Col. 4 line(s) 14-29, teaches command means being sent to the Broadcast Facility that in return starts transmitting predetermined information.).**

21. In regards to claims 12 -14 Badger et al. teach, an information processing method, a program, and a storage medium including a computer-readable program **(Col. 8 line(s) 5-11, teaches that this can be modified to based on the operating requirements.)** stored thereon for causing a computer to perform a process for an information processing apparatus **(Fig. 1 #12, as shown on pg. 8, reference as Command Center.)** to control a device **(Fig. 1 #42, as shown on pg. 8.)** connected with an information terminal **(Fig. 1 #16, as shown on pg. 8, reference as Broadcast**

**Facility. Although the applicants does not state that the device has to be directly connected to the information terminal it is stated in this prior art, Col. 4 line(s) 39-42, that the Wireless Command Converter #40 can be removed and the direct signal can be established.)** with a particular timing via the information terminal connected via a network **(Fig. 1 #14, as shown on pg. 8.)** with the information processing apparatus, the method comprising the steps of:

g. establishing communication performed via the network between the information processing apparatus and the information terminal, in response to a request issued, in a state in which the device is connected with the information terminal, by the information terminal **(Fig. 1, as shown on pg. 8, and Col. 6 line(s) 16-19, teaches sending a request to establish communications via the network from the device to the Command Center via the Broadcast Facility. While the device is in a connected state.);**

h. and transmitting a packet including a command for controlling the device to the information terminal from the information processing apparatus after the communication with the information terminal is established in the establishment step **(Col. 6 line(s) 21-27, teaches sending a command with the desire control of the device after the connection has been established.).**

22. In regards to claim 15 Badger et al. teach, an information terminal connected via a network with an information processing apparatus for remotely controlling a device, comprising:

i. request means for, in a state in which the device is connected with the information terminal, requesting the information processing apparatus to establish communication via the network (**Fig. 1, as shown on pg. 8, and Col. 6 line(s) 16-19, teaches request means for sending a request to establish communications via the network from the device to the Command Center via the Broadcast Facility. While the device is in a connected state.);**

j. receiving means for receiving a first packet including a command for controlling the device, from the information processing apparatus via communication established in response to the request issued by the request means (**Col. 6 line(s) 19-25, teaches a receiving means via the Operator but it also teaches that any receiving means may be implemented.);**

k. and control means for controlling the device in accordance with the command included in the first packet received by the receiving means (**Col. 6 line(s) 21-27, teaches control means by sending a command with the desire control of the device in the packet.);**

23. In regards to claims 17-19 Badger et al. teach, an information processing method, a program, and a storage medium including a computer-readable program (**Col. 8 line(s) 5-11, teaches that this can be modified to based on the operating requirements.)** stored thereon for causing a computer to perform for an information terminal connected via a network with an information processing apparatus for remotely controlling a device, the method comprising the steps of:

- l. in a state in which the device is connected with the information terminal, requesting the information processing apparatus to establish communication via the network (**Fig. 1, as shown on pg. 8, and Col. 6 line(s) 16-19, teaches sending a request to establish communications via the network from the device to the Command Center via the Broadcast Facility. While the device is in a connected state.);**
- m. receiving a packet including a command for controlling the device, from the information processing apparatus via communication established in response to the request issued in the request step (**Col. 4 line(s) 15-18, teaches receiving a command with the desire control of the device after the connection has been established, from the Command Center.);**
- n. and controlling the device in accordance with the command included in the packet received in the reception step (**Col. 7 line(s) 48-65, teaches controlling the device based off of the command received in the packet.);**

***Claim Rejections - 35 USC § 103***

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

26. Claims 4, 7, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Badger et al. (US 5,886,647) as applied to claim 3 above, and further in view of Mousseau et al. (WO 95/20281).

Figure 6 of Mousseau et al. is reproduced below.

27. In regards to claim 4 Badger et al. teach, receiving means for receiving, from the information terminal **(Col. 6 line(s)19-22 teach receiving means from receiving information from the Broadcast Facility, in the form of an operator but also teaches that these receiving means can be of other forms.)**.

28. Badger et al. do not teach wherein a second packet including a response to the command transmitted from the transmission means.

29. In the same field of endeavor Mousseau et al. teach a second packet including a response to the command **(Fig. 6 #1 Col. 2)**.



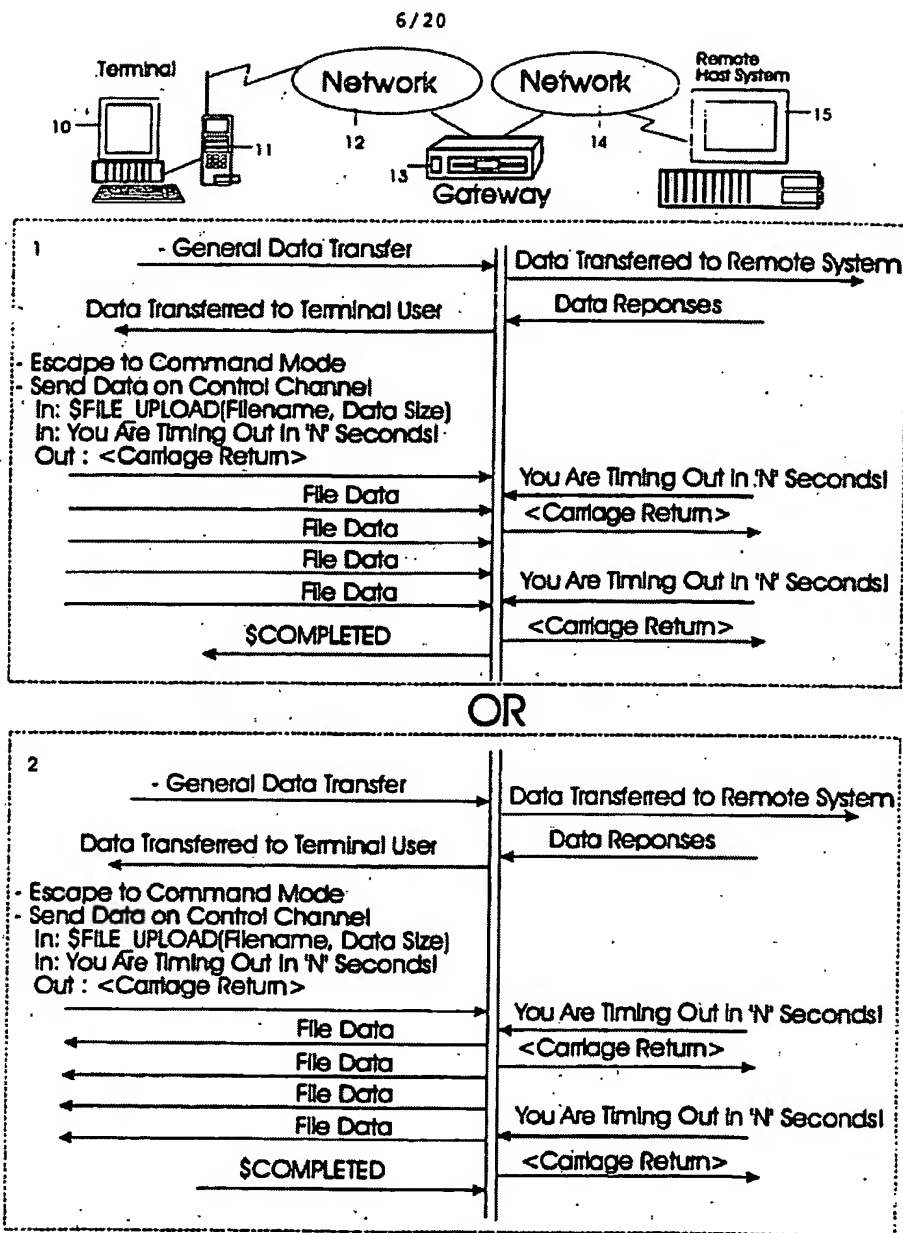


Figure 6

30. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Badger et al. wireless remote control of multiple devices with Mousseau et al. teaching as discussed above to allow for the capability of keeping the connection "alive," because data transfer could take in the order of minutes.

Therefore, if a response was not replied to then the connection would prematurely time out.

31. In regards to claim 7 Badger et al. do not teach, wherein the transmission means transmits, together with the first packet, a simple program for causing the information terminal to determine which process should be performed by the device

32. In the same field of endeavor Mousseau et al. teach a script (simple program) sent with the first packet to determine which process should be performed (**pg. 16 line(s) 9-21**).

33. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Badger et al. wireless remote control of multiple devices with Mousseau et al. teaching as discussed above because the scripts give the users a method to transfer data and issue disconnect commands.

34. In regards to claim 16 Badger et al. teach, transmission means for transmitting to the information processing apparatus (**Col. 6 line(s) 38-43, teaches varies transmission means.**).

35. Badger et al. do not teach wherein a second packet including a response indicating a result of controlling performed by the control means on the device.

36. In the same field of endeavor Mousseau et al. teach wherein the second packet includes a response with the results of the controlled performance (**Fig 6 #1 Col. 2, as shown on pg. 16, and pg. 16 line(s) 25-28**).

37. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Badger et al. wireless remote control of multiple devices with Mousseau et al. teaching as discussed above to allow for the capability of having a notification that the command(s) was executed successfully and giving the user confirmation that another command can be sent or the connection can be disconnected.

38. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Badger et al. (US 5,886,647) as applied to claim 3 above, and further in view of Conkright et al. (US 6,236,332).

39. In regards to claim 5 Badger et al. do not teach, wherein the command includes information indicating whether, when the information terminal fails to perform a process in accordance with the command, a process should be continued in accordance with a following command.

40. In the same field of endeavor Conkright et al. teach commands that indicate what to do when the terminal fails to perform according with the command (**Col. 9 line(s) 14-20**).

41. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Badger et al. wireless remote control of multiple devices with Conkright et al. teaching as discussed above to allow for the capability of having continuous monitoring and data collection no matter what the operating conditions.

42. Claims 6, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Badger et al. as applied to claim 3 above, and further in view of Hinde et al. (US PGPub 2006/0168260).

Figure 1 of Hinde et al. is reproduced below.

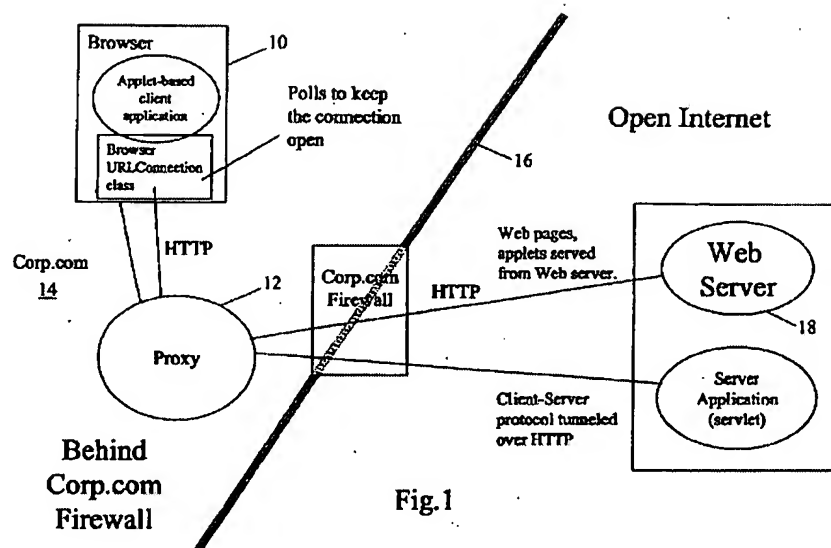
43. In regards to claim 6 Badger et al. do not teach, wherein the first packet transmitted by the transmission means includes a plurality of commands belonging to the same protocol.

44. In the same field of endeavor Hinde et al. teach whereas sending a commands includes transmitting the commands via the same transmission means protocol (**¶0007-¶0010**).

45. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Badger et al. wireless remote control of multiple devices with Hinde et al. teaching as discussed above to allow for the capability of providing a secure access between a service external to a network firewall and a client internal to the firewall for the time needed to transmit the necessary information.

46. In regards to claim 9 Badger et al. do not teach, wherein when the communication link established by the establishment means includes a firewall of the information terminal, the transmission means transmits the first packet using HTTP as a communication protocol.

47. In the same field of endeavor Hinde et al. teach when there is a firewall between the server and client that the HTTP protocol is used to pass through (Fig. 1 and ¶0007-¶0008).



48. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Badger et al. wireless remote control of multiple devices with Hinde et al. teaching as discussed above to allow for the capability of providing a secure access between a service external to a network firewall and a client internal to the firewall.

49. In regards to claim 10 Badger et al. do not teach wherein the transmission means maintains the communication link using HTTP established by the establishment means for a period during which a plurality of first packets are transmitted.

50. In the same field of endeavor Hinde et al. teach when there is a firewall between the server and client that the HTTP protocol is used to pass through (¶0007-¶0010).

51. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Badger et al. wireless remote control of multiple devices with Hinde et al. teaching as discussed above to allow for the capability of providing a secure access between a service external to a network firewall and a client internal to the firewall for the time needed to transmit the necessary information.

### ***Conclusion***

52. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Buennagel et al. (US 4,454,509), Apparatus for addressably controlling remote units.

53. Any inquiry concerning this communication or earlier communications from the examiner should be directed to La Juania N. Mouzon whose telephone number is 571-270-3045. The examiner can normally be reached on Monday - Friday 8:00-5:00.

54. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on 571-272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2109

55. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LNМ

A handwritten signature in black ink, appearing to read 'Patrick Assouad', with a stylized flourish at the end.

**PATRICK ASSOUD  
SUPERVISORY PATENT EXAMINER**